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CHARLES ELMORE GOSPELY

IN THE  
Supreme Court of the United States

— o —  
October Term, 1946

— o —  
No. 1362  
— o —

CHARLES J. FORD,

*Petitioner.*

vs.

UNITED STATES OF AMERICA,

*Respondent.*

— o —  
PETITION FOR WRIT OF CERTIORARI TO THE  
UNITED STATES CIRCUIT COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT  
— o —

EUGENE D. O'SULLIVAN,

HUGH J. BOYLE,

Of Omaha, Nebraska,

*Counsel for Petitioner.*



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FOR THE EIGHTH CIRCUIT**

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*To the Honorable, the Chief Justice and the Associate  
Justices of the Supreme Court of the United States:*

**OPINION SOUGHT TO BE REVIEWED**

Your petitioner, Charles J. Ford, respectfully prays that a Writ of Certiorari issue to review a decision of the Circuit Court of Appeals for the Eighth Circuit, rendered on the 10th day of April, 1947, at Kansas City,

Missouri, affirming the conviction of your petitioner in the United States District Court for the District of Nebraska, Norfolk, Nebraska, Division, Honorable John W. Delehant, District Judge, presiding.

### **SUMMARY AND SHORT STATEMENT OF THE MATTERS INVOLVED**

Charles J. Ford and Ralph B. Mellor were jointly indicted in the Norfolk Division, District of Nebraska, on March 21st, 1945, under the United States Anti-White Slave Law for alleged violations of Section 398 of Title 18 of the United States Criminal Code.

The material portions of the Indictment which was returned against the above-named appellants were as follows:

“That RALPH B. MELLOR and CHARLES J. FORD, on or about August 10, 1944, did unlawfully, wilfully, knowingly, and feloniously transport and cause to be transported, and aid and assist in obtaining transportation for and in transporting, in interstate commerce from the ranch home of Defendant RALPH B. MELLOR in Holt County, in the Norfolk Division of the District of Nebraska, Circuit aforesaid, and within the jurisdiction of this Court, to the City of Moran, in the State of Wyoming, two certain girls, to-wit, Doreen L. Hasenpflug and Lois Jean Milacek, for the purpose of prostitution and debauchery and for other immoral purposes, and with the intent and purpose on the part of them, the said RALPH B. MELLOR and CHARLES J. FORD, and each of them, to induce, entice, and compel said girls, and each of them, to give themselves up to debauchery and to engage in other immoral practices; contrary to the provisions of the statute in such case made and provided, and against the peace and dignity of the United States of America (18 U. S. C. 398).”

The appellants concede that same was returned regularly by a proper Grand Jury in the proper District and Division of the United States Court.

The portions of the United States Statutes, which we deem to be applicable to our proposed legal inquiry, are as follows:

Section 397, of 18 U. S. C. A., states in part:

**"WHITE-SLAVE TRAFFIC; TERMS DEFINED.** The term 'interstate commerce,' as used in this section and sections 398 to 404 of this title, shall include transportation from any State or Territory or the District of Columbia to any other State or Territory of the District of Columbia."

Section 398, of 18 U. S. C. A., recites in part:

**"SAME; TRANSPORTATION OF WOMAN OR GIRL FOR IMMORAL PURPOSES \* \* \*.** Any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate \* \* \* commerce, \* \* \* any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice \* \* \* shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding \$5,000, or by imprisonment of not more than five years, or by both such fine and imprisonment, in the discretion of the court. (June 25, 1910, c. 395, '2,36 Stat. 825.)"

The appellant, prior to entry of a plea of Not Guilty in this case, filed in the order named Motion For Bills of Particulars (T. of R. 9 to 13), Motion to Quash (T. of R. 13 to 15), and Special Demurrer (T. of R. 15 to

17), all of which were overruled by the Court (T. of R. 60 to 62).

The Motion For a Bill of Particulars (T. of R. 9 to 13), if the Court had granted same, we contend would have served to advise the defendant of the nature and cause of the accusation made against him in the Indictment.

The Motion to Quash (T. of R. 13 to 15) and the Special Demurrers (T. of R. 15 to 17), filed by the defendant, were, as far as the body of same were concerned, alleged in identical language, and among other things related to the fact that the Indictment was not alleged in conformity with the statute or language of similar import; was duplicitous; contained conclusions and not facts; was vague, indefinite and uncertain; as drawn was tantamount to a denial to the defendant of liberty without due process of law, as guaranteed to them under the 5th United States Constitutional Amendment; and a denial to the defendant of the right to be informed of the nature and cause of the accusations made against him under the 6th United States Constitutional Amendment; as drawn did not charge a crime against the laws of the United States; and it was also claimed that there was a misjoinder of parties in that both the defendants, Mellor and Ford, were charged in one Count with transporting both of the two women.

It is significant to note that the witnesses subpoenaed by the Government (T. of R. 18 and 19) were the following:

Doreen Lavaun Hasenpflug, State Industrial School for Girls, Geneva, Nebraska.

Lois Jean Milacek, State Industrial School for Girls, Geneva, Nebraska.

Matron, or someone designated by her, State Industrial School for Girls, Geneva, Nebraska, to bring Doreen Lavaun Hasenpflug and Lois Jean Milacek to Norfolk, Nebraska.

Clement B. Pedersen, FBI, Omaha, Nebraska, to bring signed statement of defendant, Charles J. Ford, dated March 15, 1945.

Jim Slaton, Signal Mountain Lodge, Moran, Wyoming, to bring with him (a) registration card reflecting that Mellor and Charley Ford, Stuart, Nebraska, registered at Signal Mountain Lodge, Moran, Wyoming, on August 12, 1944, Cabin No. 15, and checked out on August 19, 1944; (b) registration card reflecting that Mellor and Ford stayed in Cabin No. 15, Signal Mountain Lodge, Moran, Wyoming, from August 20, 1944, to August 27, 1944.

Viola Wells, Signal Mountain Lodge, Moran, Wyoming.

Wanda Newsome, Signal Mountain Lodge, Moran, Wyoming.

Olin O. Emery, Sheriff, Teton County, Jackson, Wyoming, to bring with him (a) registration card reflecting that Mellor and Charley Ford, Stuart, Nebraska, registered at Signal Mountain Lodge, Moran, Wyoming, on August 12, 1944, Cabin No. 15, and checked out on August 19, 1944; (b) registration card reflecting that Mellor and Ford stayed in Cabin No. 15, Signal Mountain Lodge,

Moran, Wyoming, from August 20, 1944, to August 27, 1944.

Mrs. Alice Nemec, R. F. D. No. 2, Spencer, Nebraska.

In spite of the fact that all of these witnesses were subpoenaed by the Government, however, the only witnesses in the case were Lois Jean Milacek (T. of R. 105 to 120) and Doreen Lavaun Hasenpflug (T. of R. 120 to 131), who were the two complaining witnesses, and a Mrs. Alice Nemec (T. of R. 131), who testified only that she was a Spencer, Nebraska, housewife and had an orchestra which played for a dance at Lynch, Nebraska, on Tuesday night, August 8th, 1944, which dance the two young women attended the first night after having met Mellor and Ford.

The following is an abstract of the pertinent testimony produced upon the trial:

### **RESPONDENT'S EVIDENCE**

#### **Testimony of Lois Jean Milacek**

Lois Jean Milacek, one of the complaining witnesses, testified (T. of R. 105 to 120), in part, as follows:

"That in August of 1944 Miss Hasenpflug and I were on the road near O'Neill on our way to Lynch, Nebraska. As we were walking, a light blue coupe occupied by two men, overtook us. They stopped and inquired our destination, and we told them we were going to Lynch, Nebraska. They said they had to go to their ranch at Atkinson, Nebraska, to do their chores, but if we would like to get in the car, they would take us to Lynch after they had completed their chores at the ranch. So we got into the car and drove with them to Atkinson. On the way to Atkinson they told us their names were Ralph Mellor and Charley



Ford, and these two men are here in the court room at this time, as defendants.

*"We stopped at Atkinson and the men went to see about a truck so they could ship some cattle before going on their vacation. We went to Mellor's ranch, arriving there in the early part of the evening. We stayed at the ranch two or three hours, and then the four of us, Mellor, Ford, Doreen Hasenpflug and I, started for Lynch to attend a dance. Mr. Mellor and Mr. Ford did not attend the dance, but Doreen Hasenpflug and I did, and after the dance we returned to the car, which was parked near the dance hall. Doreen's mother saw her and came and got her, but I got in the car with two men and returned to the ranch with Mellor and Ford. I stayed at the ranch that night, and slept in a bedroom by myself, and quite early the next morning Mr. Mellor and I got ready and went back to Lynch to get Doreen Hasenpflug. When we arrived at Lynch, Doreen got ready and got into the car with Mr. Mellor and myself, and we drove to Spencer, Nebraska, and from there we went to O'Neill, Nebraska. When we arrived in O'Neill, we met Mr. Ford, and Mr. Mellor gave Doreen some money and we bought some clothes. From there the four of us went back to the ranch, and stayed there all night, and Doreen and I slept together.*

*"When the four of us were in the car together that night, going to the dance at Lynch, the first night we had met them, Mr. Mellor said he was going on a fishing vacation near Jackson, Wyoming, and asked us if we wanted to go along, and that if we did not want to go along, that there were some girls in Atkinson that would go with them. He said if we went we could have anything we wanted or do anything we wanted after we got there. He also said we could either live with them, or he could get us a separate cabin.*

*"The last night I spent at the Mellor ranch, be-*

fore we sarded on the trip, I had told the two men I would go along with them. That night Doreen and I went to bed together. Later in the night we woke up, and Mr. Mellor and Mr. Ford were in bed with us. Mr. Ford lay closest to me, and Mr. Mellor lay closest to Miss Hasenpflug and they were bothering us. Mr. Ford tried to take my clothes off and force me to have intercourse with him, but I would not let him. This was the night before we started on the trip to Wyoming. We stayed at the ranch that day until evening, and started on our trip in the evening in Mr. Mellor's car. Mr. Ford, Mr. Mellor, Doreen Hasenpflug and I left the ranch in the car and stopped at Atkinson for a short time, and then stopped at Valentine, and ate supper.

"When we left Valentine that evening, Doreen Hasenpflug and I sat in the back, and Mr. Mellor and Mr. Ford sat in the front seat, and we drove on into the night. *Miss Hasenpflug and I went to sleep, and we were awakened by Mr. Mellor, who told us this was the state line, and that we could get out and walk across the state line, as it 'was against the law for him to take us—take minors—over the state line.'* This was the state line between Nebraska and Wyoming. After we were awakened we got out and walked a few steps, about the length of the car. Then the men drove the car up to where we were and we got in again. The four of us continued to drive all night and we had breakfast at Casper, Wyoming, and we next stopped at Riverton, Wyoming. At Riverton Mr. Ford gave me some money and Mr. Mellor gave Doreen some money, with which we bought some clothes at Riverton, and then the four of us drove on to Moran.

"When we arrived at Moran they asked whether they could get a place to stay, and they told us to go to *Signal Mountain Lodge, which is about a mile and a half from Moran, and the four of us drove there.* Signal Mountain Lodge is in Wyoming. When we got

to Signal Mountain Lodge we stopped near the building where the office is, and Mr. Mellor and Mr. Ford went into the office, and both of them came out again and got into the car with us. In the presence of Mr. Mellor and Miss Hasenpflug, Mr. Ford told me they had gotten one cabin with two rooms, and that he had registered me as his wife. I am not married, and I am not the wife of Charles Ford, nor have I ever been married.

"When Mr. Mellor and Mr. Ford, Doreen Hasenpflug and I were present, I heard Mr. Mellor tell Doreen that he had registered her as his wife.

"From the office four of us drove in the car to Cabin 15, and all four of us got out and went into the cabin. The cabin had two bedrooms and the front of it was a porch. There was a bed in each of the bedrooms. It was evening when we arrived at the cabin, and Ralph Mellor and Doreen Hasenpflug had one room, and Charley Ford and I had the other bedroom. Doreen and I stayed at Signal Mountain Lodge with Ralph Mellor and Charley Ford for ten days, and during the time we occupied Cabin 15, I slept with Mr. Ford and Doreen slept with Mr. Mellor, each couple in a separate bedroom.

"Ford forced me to have intercourse with him, about four or five times. Miss Hasenpflug stayed at the cabin with Mellor and Ford for a week or ten days, and at the expiration of that time, Doreen Hasenpflug and I went to Jackson. We walked. At that time Mr. Mellor and Mr. Ford had gone to Jackson. When we got to Jackson we saw them that night, but they were leaving. We talked to both Mr. Mellor and Mr. Ford at Jackson.

"I told him he had promised me he would send us home when we wanted to go, and he said that he did not recall of ever saying that. He did not give me any money with which to return home. In this conversation which I had with Mr. Ford, I did not hear Mr. Mellor say anything.

"From Jackson, Wyoming, Miss Hasenpflug and I went to California, and arrived back home from California the 22nd of October, 1944.

"The orchestra that played at the dance, which we attended that night at Lynch, was Alice Cassidy; I think her maiden name was Nemec. I know the Mellor ranch was in Nebraska. I do not remember what date in August this dance was, but it was on a Tuesday."

**Cross-Examination—By Mr. O'Sullivan**

Miss Milacek, continuing (R. 111 to 120):

"There is a road a short distance north of O'Neill that turns westward toward Atkinson and the main road continues northward to Spencer, and we were south of the fork in the road, about a quarter of a mile, and we were walking north. When this car approached it was also going northward. Neither of us signaled that we wanted a ride. We were going to walk to Lynch, Nebraska, a distance of about 29 miles.

"We had arrived in O'Neill the Saturday night previous to this Tuesday. *We had no relatives in O'Neill, but were with Iris Pinkerman, a girl I knew at O'Neill.* We had not been at Norfolk on Saturday night, but had come from Lynch to O'Neill. We had ridden with some people from Lynch to O'Neill who were going to a dance. We did not signal them for a ride, but we had met them in Lynch and rode with them to O'Neill. This car stopped and Mr. Mellor was sitting in the front seat, and Mr. Ford was driving. When the car pulled up, Doreen and I got in the back seat, but before we got in we told them we were going to Lynch, but did not say, at first, that we were going west. They told us before we got into the car that they had to go to the ranch and do their chores, and they would then take us to Lynch. We were not forced into the car but got in of our own accord. If

we had not been offered the ride we would have walked the 29 miles to Lynch.

"We drank on the way to Atkinson and then in Atkinson. Mr. Mellor had been drinking but he was not under the influence of liquor.

"I do not know whether they did any chores at the ranch, but they were doing something about the buildings, and in about three hours we started for Lynch. No one forced us to drink the liquor; they offered it to us and we drank it.

"The dance was in Lynch and we stayed at the dance until after midnight. We were to meet these men after the dance. They told us where they would park the car, and we went and found it after the dance, and we went of our own free will.

"I got in the car, but the other girl went home with her mother, who came and got her. I watched her go home with her mother, which was not even a block away. Then Mr. Ford, Mr. Mellor and I went back to the ranch house. I went of my own free will.

*"Both Mellor and Ford told me before we got to Atkinson that they were going to the Jackson Hole Country, and had made some preparations to spend some time near Moran at Signal Mountain Lodge, and also told me they had a boat and trailer that they were going to take along. Mr. Mellor told us that he had gone there on vacations for a number of years.*

"At that time I had a sister in California who is older than I am.

"I do not remember whether or not I told that I had a sister in California.

*"Ford and Mellor told us they were leaving for Moran, Wyoming, for this fishing camp as soon as some livestock and machinery could be disposed of, and that their purpose in stopping at Atkinson was for the purpose of getting some truck to pick up*

*horses and livestock, machinery and other stuff that Mr. Mellor was going to sell, and that is why they stopped. I do not know whether they engaged any trucks while we were at Atkinson, and I do not know whether any livestock and property were picked up and taken away for sale while we were at the ranch.*

"When we stopped at Atkinson they said they were going to get a truck or trucks so they could ship their cattle, and I remember they talked about what they were going to ship to market, but I don't remember what they said, but they said after they sold this property, *they were going to be on their way to a vacation at Moran, but we never asked to go with them on this trip to Moran.*

"There was an arrangement made that I would go back to the ranch-house with these two men, and that somebody would return the next day for her. This arrangement was made at Lynch that night after the dance. My home was five miles southeast of Lynch, but I did not go home that night. I was not prevented from going, but I had no way of getting home.

"Q. And you had your mind made up then to go west on this trip, didn't you?

"A. Yes.

"We got to the ranch at almost morning. I do not remember whether Mr. Ford went into the house at all, but I went into the house for a short time, and went into one of the bedrooms and went to bed. I don't know what Mr. Mellor did.

"Mellor told us that night that he would go back in the morning and get her.

"We went back to Lynch and went to her home. She did not have any personal belongings with her; all she had was her purse. Neither one of us had taken anything with us when we went to O'Neill Saturday. Mr. Mellor, Doreen and I left Lynch in the

car and we did not have any luggage with us. We drove with him to O'Neill, where we met Mr. Ford. I think he was in the garage working on their boat. I did not see the trailer. Mellor, Ford, Doreen and I then went to the ranch and stayed there all night. Doreen and I were in one room and Ford and Mellor was in some other part of the house when we went to bed. I did not have any sexual relations with either Ford or Mellor at the ranch-house. We stayed there two nights and a part of a night, and I saw the boat for the first time the night that we left. We left the ranch-house about seven or eight o'clock in the evening, and *the boat was in the trailer hooked on behind the car.*

"When we left the ranch-house, Mr. Ford was driving and drove straight through without stopping, except for meals. The suggestion of walking across the state line did not come from me nor my companion.

*"When we got to the state line that divides Nebraska from Wyoming we were both told to get out of the car. I do not know whether it was the state line or not; there was no sign there. It was west of Harrison. We walked about the length of the car and then got back in again. Mr. Ford said something that it was against the law to take us across, but I never suggested that to them.*

"We eventually got to Wyoming and to this camp, and stayed there about a week or ten days. *I know a man by the name of 'Blackie.'* I do not know if his name is Walter Look, nor if he is a guide there, but I saw him working around there. *One night, I don't know whether it was the second night or not, he put my companion and me in another cabin, and stayed in the cabin with us. This cabin was not very far from Cabin 15. He had a key and unlocked the door to this cabin, but I don't think he stayed there all night.*

"We left the camp and walked part way to Jackson. We did not leave with anyone. We walked



about two or three miles and caught a ride; some car stopped and picked us up. We had not indicated that we wanted a ride, and I do not know who the man was that gave us the ride, and we did not see him afterwards in Jackson. It is about 32 miles from the camp to Jackson. While we were in Jackson we saw and talked to Mr. Ford that night.

"We met a couple of young boys in Jackson; neither one was wearing a uniform. We had met them at the Log Cabin Bar, which was next to Log Cabin Cafe, where we were working. This was about a week after we got to Moran, Wyoming. We *stayed one night with these two boys*. I do not remember what the other boy's name was, but one of them was named Joe.

"When we saw Mr. Ford in Jackson, we told him that we had jobs as waitresses and asked him to loan us five dollars, and he did loan us five dollars. At that time we had quit our jobs. In Jackson we met Rose Hopkins and a man who was not her husband, and after Ford had given us the five dollars, we went as far as Pocatello, Idaho, with Rose Hopkins and this man and from there we hitch-hiked to Los Angeles, California, and we stayed in Los Angeles about seven weeks. My sister is at San Francisco, but she came down to Los Angeles to see me. I arrived back home October 22, 1944.

"Q. Well, didn't a matron from Los Angeles bring you right back to Lynch? That is true, isn't it?

"A. Yes, sir. She came and took me as far as Fremont.

"She was a matron connected with the juvenile authorities, and did accompany me as far as Fremont. The other girl was not brought with me. My folks live at Lynch.

"Q. But your home is in the Geneva Industrial School?



"A. Yes.

"Q. And you were sent there on matters other than those growing out of this case, weren't you? That is true, isn't it?

"A. It was mostly this case.

"Q. You were given a court trial before a District Judge—Judge Mounts?

"A. Yes, sir.

"Q. And you were convicted and sent to the Industrial School in Geneva, Nebraska, weren't you?

"A. Yes.

"Q. How long have you been there?

"A. Nine months.

"I do not remember exactly how much money Mr. Mellor gave us in O'Neill, but I think it was around five dollars, and we spent that money for clothes. When we got to the camp all we had in the way of luggage was what we had bought on the way. Mellor gave the money to my girl companion and Mr. Ford gave me money. I claim the amount of money given me was about \$25.00 or \$30.00. I do not know the exact amount. We spent the money for clothes.

*"When we were in this cabin camp, I had sexual relations with Walter Look, referred to as 'Blackie.' My girl companion did not have sexual relations with him. All three of us were in one bed there, but he did not stay all night.*

"The third night after we met these men and had gone to the ranch, Ford and Mellor made their appearance in our room. They were trying to fool around with us, and we told them to quit it, to cut it out. And they did quit it, and that is all there was to that incident, except they stayed there the rest of the night. 'When we told them to stop it, well, one of the men said, 'All right, then, you're not going,' and

when we said we didn't care, they started being nice to us again.' We did voluntarily get in the car and go with them, and were not forced in any way, and we did not ask Mr. Ford for any more than five dollars in Atkinson.

"I had a disagreement or quarrel with Mellor at Signal Mountain Lodge, but he did not tell me nor my girl companion to get out of there. We arrived there close to five or six o'clock in the evening, and never stopped any place for over-night or for rest. It was a hard trip and we were all tired when we got there. I do not remember whether Mr. Ford drove all of the way or not.

"This cabin had two rooms, with an outside door to each room, which led off the porch along the front of the cabin, and there was a partition straight through the cabin. There was a connecting door between the rooms which could be locked from one room. I was on the inside when that latch was on part of the time. It is not true that we two girls were assigned to space on one side, and Mellor and Ford on the other. The next morning all four of us were over to the dining room of the lodge to eat, but I do not remember that Mellor got mad and would not finish eating breakfast, and we two women did not stay there after the men left. And it is not true that after we got back to the cabin, that Mellor said, 'You get out of here and get a-going.' *Mellor and Ford had told us that whether we went along on the trip or not, they had planned to go and were going on that trip.*"

#### **Testimony of Doreen Lavaun Hasenpflug**

Doreen Lavaun Hasenpflug, the other complaining witness, testified (R. 120 to 131) as follows:

"I recall that I was with Miss Milacek on an afternoon in the early part of August, 1944, on Highway No. 12, near the 'Danceland Corner' near O'Neill,

Nebraska. We were going to our home at Lynch. It was not very long after dinner, around 1:00 o'clock, on August 8, 1944, when a bluish-gray car, with two men in the car, stopped and asked us if we wanted a ride. Mr. Mellor, one of the men in the car, asked the question, but I did not know his name at that time, but afterwards I learned that was his name, and the other man was Charley Ford, and they are now sitting at the table in the court room. I asked them how far they were going from the Danceland Corner, because there is a road turning in either direction to Atkinson. They said they had some business to take care of at Atkinson, and that they had chores to do at home. We got in the car and went to Atkinson with them, and went out to the sale barn at Atkinson, and Mr. Mellor took care of his business there. This highway we were traveling and Atkinson are both located in Nebraska. After they finished their business, we went downtown in Atkinson and they bought some beer, which we did not drink in Atkinson. Mr. Ford got some whiskey there, and we drank part of it in Atkinson, and we then went to Mellor's ranch, arriving there about five or six o'clock.

*"On the trip to the ranch, which is near Atkinson, Nebraska, the men said they were taking their usual trip to Jackson Lake, and asked us if we wanted to go along, and we said we would see about it. Later in the day on our trip from Butte to Lynch we told them definitely we would go with them. After staying at the ranch two or three hours on August 8, 1944, the four of us, Ford, Mellor, Lois Milacek and I, took the highway around by Naper to go home, but we went to Naper first. At Naper we went into a beer parlor and bought some beer, and drank it, and from there we went to Butte. At Butte we went into the Club Beer Parlor, and the four of us drank some beer in there. From there we went to Spencer, Nebraska, and went into another beer parlor, but they refused to sell beer to us girls there, and from Spencer we went to*

Lynch, Nebraska, where Lois Jean and I went to a dance.

*"During the trip from the Mellor ranch to Lynch there was further conversation about the men's vacation trip.*

"Q. Relate, Miss Hasenpflug, what was said?

"A. *I don't remember the exact words, but I know we made our plans definitely to go with them.*

"First we asked them how we were going to live there. I asked them if we were going to live separate, or if we had to live with them, and they said we could live separate, and they would still pay for our meals and our rooms. Mr. Mellor said that, and they said whenever we were ready to come home they would be perfectly willing to pay our transportation home.

"After the dance we went to Mr. Mellor's car, which was parked near the dance hall, and Mr. Mellor and Mr. Ford were there, and we got into the car. I did not leave Lynch with them because my mother called me home, and I went home. Miss Milacek stayed in the car with Mr. Mellor and Mr. Ford, and I did not see them again until the next morning, when I saw Mr. Mellor at the cafe. I did not know he was coming to town that morning. Lois Jean Milacek was with him, and we went with him from Lynch to Spencer, Nebraska, and from there to O'Neill. We stopped at Spencer, and Mr. Mellor got a case of beer and some ice and put that in the back seat of the car.

"We remained at O'Neill until around five or six o'clock that afternoon, and we saw Mr. Ford there in front of the Goetz beer parlor, and then about five or six o'clock, Mr. Mellor, Mr. Ford, Lois Jean Milacek and I left O'Neill for the Mellor ranch, and we arrived there about seven o'clock. The Mellor ranch is located in Nebraska, and we remained there for the night, that is the night of the day that Mr. Mellor came for me at Lynch.

"That night Lois and I slept together in a bedroom, and Mr. Ford and Mr. Mellor later got into bed with us. Mr. Ford was closest to Miss Milacek and Mr. Mellor was closest to me. I did not know they were there during the night until I awoke towards morning. Mr. Mellor did not say anything to me, but he took off my underclothes, and I slapped him and told him to leave me alone. Mr. Mellor got mad and got up, and Mr. Ford went with him.

"The last day we were at the ranch we prepared to go on the trip, and we left on Friday night about seven o'clock in Mr. Mellor's car. There were Mr. Mellor, Mr. Ford, Lois and I in the car and we went to Ainsworth, Nebraska, first, but I do not remember if we stopped there. We had dinner at Valentine, Nebraska. When we left the ranch, Mr. Ford was driving and Miss Milacek was seated in the front seat with him, and Mr. Mellor and I were seated in the back seat.

*"After we left Valentine Miss Milacek and I fell asleep, and we were awakened when we came to a place they called the State Line. I do not recall who awakened us. They said that was the State Line and it was against the law to take minors across the State Line.*

*"I believe Mr. Mellor said that, and after that we got out and walked about the length of the car. Mr. Mellor had asked to walk across the line. They then drove up and picked us up again, and we got back into the car and the car was driven on. This State Line was supposed to be the Nebraska and Wyoming State Line.*

"We next stopped at Casper, Wyoming, and ate breakfast. Before leaving Nebraska on this trip we had purchased some clothes at O'Neill, Nebraska, on Wednesday, on the trip from Lynch to the Mellor farm. Mr. Mellor gave me five dollars, and Lois and I each purchased a dress. After breakfast at Casper,

we next stopped at Riverton, Wyoming, and Mr. Mellor gave me some money, and Mr. Ford gave Lois some money, and we made some purchases at Riverton. We ate dinner in a small town in Wyoming, and drank some beer in the same town at the Antique Bar.

"On this trip, while Mr. Mellor and I were sitting in the back seat, Mr. Mellor got angry at me. I don't remember what it was, but I remember he was going to make me get out and walk. I know he awakened me and I slapped him. *We finally arrived at Moran, and they tried to get a cabin there but were unable to, so we went to Signal Mountain Lodge, which was about five and a half miles from Moran.* When we arrived at Signal Mountain Lodge, Mr. Mellor and Mr. Ford got out of the car and went into the office, and 'purchased' a cabin for us. After we got down to the cabin, No. 15, *Mr. Mellor told me that he had registered me as his wife.* I was not married to him, and have never been married and am not married now. *I heard Mr. Ford tell Miss Milacek that he had registered her as his wife also.*

"Cabin No. 15 was a two-room cabin, with a bed in each room, and a porch the length of the cabin, and a door running from both rooms to the outside. Lois Jean and I stayed at Signal Mountain Lodge about ten days, and during the time I stayed at Signal Mountain Lodge, *I slept with Mr. Mellor in one of the bedrooms in Cabin 15, and Mr. Ford and Lois Milacek occupied the other room.* During this Mr. Mellor had sexual intercourse with me. After staying at Signal Mountain Lodge ten days, Lois and I went to Jackson, Wyoming, and we saw Mr. Ford and Mr. Mellor in a gambling place in Jackson, and I told Mr. Mellor that I was ready to go home and wanted the money he had promised me, and he said that he did not remember of ever promising me money to go home on, and he did not give me any money then, but he had before that. Lois Jean and I stayed at Jack-

son about two nights altogether, and from there we went to California, and I returned home to Nebraska the second week in September of 1944."

**Cross-Examination—By Mr. O'Sullivan (R. 124 to 131)**

"We were on the highway north of O'Neill on the 8th of August, 1944, having been to O'Neill to a dance on Saturday night previous. We had been in O'Neill all of the time, and did not go to Omaha or Norfolk during that time. We had driven to O'Neill from Lynch in a car.

"Q. You did not tell your folks where you were going?

"A. No.

"We stayed at O'Neill from Saturday night until Tuesday afternoon, and *stayed at the Golden Hotel*. We had come from Lynch with two boys; the name of one I did not know, but the name of the other boy was Junior Clinton from Spencer. I was with neither one of them.

"They picked us up at Lynch, and brought us to O'Neill to the dance, but we did not see them after we got there. I think it was some time Monday that we left the Golden Hotel, where we paid \$2.00, but I do not remember what time we left O'Neill.

"Before we came out on the highway, we came from the New-way Cafe in O'Neill, but I do not remember how long we had been there. I do not remember anything about where we were from the time we left the Golden Hotel until we got to the cafe. When we were going along this highway, neither of us were lame. We were going to walk to Lynch and neither one of us signalled this car to pick us up. It is about 38 miles to Lynch.

"If somebody gave us a ride, we would probably ride, but we were not doing anything to indicate that



we wanted a ride. When this car stopped, we were asked if we wanted a ride, and I asked them how far they were going, and they told us, and we asked them if they would take us to Lynch, Nebraska. Mr. Mellor was the one that asked us if we wanted a ride. It is not true that as we got close to Atkinson for the first time we said that we wanted to go to Lynch, and Mr. Mellor did not say, 'Why didn't you tell that back at the cross-roads, because we are going west, and you should have gone north?' We had told them before we ever got in the car that we wanted to go to Lynch. They told us what their names were, but I do not remember that they asked us what our names were. They told us where they were going and what their occupations were. They stopped at Atkinson and went to the sales pavilion to make some arrangements for some trucks to haul some livestock to market the next day, and *Mr. Mellor said they were going to sell this livestock and personal property before they went to Jackson, Wyoming, on a fishing trip, but he did not say anything about going out there on business.*

*"Before anything was said by either of them or by either of us about going with them on this trip, we were told by Mr. Mellor and Mr. Ford that they were going to Moran, Wyoming, and that they had a boat on a trailer that they were going to attach to the car; and that they were going as soon as they had sold this property, and Mr. Mellor had gone to this place for years on vacation trips. We did not make the suggestion that we would like to go along.*

"I have a sister, two sisters-in-law, and two brothers in Richmond, California, which is near San Francisco, but they are not at the same location as the sister of Lois Jean, but we did not tell Ford and Mellor that we were going to California to get a job or visit relatives.

"We got some beer and whiskey at Atkinson and we drank some of it. I had been drinking liquor



before, but I do not remember for how long; approximately about a year. My father is in the liquor business. I do not know whether my folks knew when I went to O'Neill, but I did not tell them. Lois and I had been making trips similar to the O'Neill trip for six or seven months. Sometimes we would go out on the highway and catch a ride. We had been to Norfolk once, and my mother knew I was down there. And we had gone to points in South Dakota, and *we had crossed the state line a number of times, in cars*, but on none of these occasions had men stopped at the state line and made us walk across. We did not ask to have these drinks I have been talking about.

"No one forced us to drink it, and we drank it voluntarily, and we got into the automobile voluntarily, and from O'Neill to Atkinson and from Atkinson to the Mellor ranch we went voluntarily. We did not observe the men doing their chores at the ranch. We stayed in the house and the men were outside part of the time, but I do not know what they were doing. I do not recall seeing a boat and trailer in the yard when we first got there.

"After two or three hours we left the ranch and started for Lynch by the way of these towns I have mentioned, and we drank some beer on the way to Lynch. We were not forced to drink it. When we got to Lynch, Lois and I went to the dance, and stayed there until it let out, after one o'clock. I do not know where Ford and Mellor went, but they did not go to the dance. When we left the dance we looked around for the car. We knew where it was going to be. Ford and Mellor were in the car and we got in. It was parked on Main Street.

"*When we started for Lynch we went for the purpose of going home, but changed our minds and thought we would go to the ranch with these two men and go with them to Moran, Wyoming. We understood they were going to make this trip whether we*

went or not. I stayed at the ranch two nights and Lois and I slept together. The second night I was awakened about morning, and found Mr. Mellor by my side, and I slapped him, and he got mad and left, and Mr. Ford left. When we got up in the morning they were gone. They did not tell us where they were going, but they came back about evening, and we left that night. There was a boat on a trailer behind the car, that they brought back with them, and that is the first time I had seen the boat and trailer.

"Around seven o'clock that evening, Ford, Mellor, Lois and I got in the car, and drove through to Moran, Wyoming. We went voluntarily. Mr. Mellor gave me \$25.00 and Lois and I each bought a dress, paying \$10.00 apiece for them. Neither one of us had any luggage with us. At Riverton, Wyoming, about the same amount of money was given to us, and it is not true that the sole amount of money given us was \$2.00 at Riverton for us to get something to eat. Mr. Ford gave Lois some money at Riverton, but I don't remember how much it was.

*"We arrived at Signal Mountain Lodge around six or seven o'clock in the evening, having only made short stops for something to eat or drink, and we were tired. We did not sleep in Cabin No. 15 that night, but slept in another cabin not far from it, which had been secured for us by a man by the name of 'Chuck,' whom we had met at Moran and who had followed us to Signal Mountain Lodge. He was a man about 21 or 22 years old, and was not in uniform. Lois and I slept in one bed in the cabin, and he slept in another, and when we got up around ten o'clock in the morning he was gone, and we didn't see him again.*

"When we got up we went down to Cabin 15, where Ford and Mellor had stayed alone that night, as far as I know, but the second night and the third night we stayed there. *About the fifth night we stayed in a cabin with "Blackie," a guide. He took us after*

dark and brought us to this cabin, and he slept in the same bed with my companion and I. He had intercourse with my girl companion, but not with me.

"We then went to Jackson, Wyoming, which is about 32 miles from Signal Mountain Lodge, and we walked part of the way, getting a ride with some men we did not know, but they were not servicemen. It is not true that after the second or third day at the Lodge, we were standing out in the roadway practically all of the time, talking to people and trying to get a ride out of there to go west. We spent most of our time out on the boat docks and out on the grounds.

"We went to Jackson and got jobs in a restaurant as waitresses. The name of it was the Log Cabin Bar, and there we had a talk with Mellor and Ford, and I heard my girl companion say to Ford,

'We have got a job waiting table, and we want to borrow five dollars.'

"I do not remember when we registered at the Golden Hotel early Sunday morning in August, 1944, if we registered as *Jeanie Krupicka and Sallie Krupicka of Lynch, Nebraska*. We did use those assumed names at times, but not in registering at hotels, and we had used other assumed names.

"From Jackson, Wyoming, we went to Los Angeles, California, and lived there together. I was picked up in Los Angeles and told to leave town, and I came back about seven weeks before Lois Milacek did. I was informed against after I returned by the authorities at Butte, Nebraska. I am now staying at the Girls' Industrial Home at Geneva, Nebraska, and I was sent there at the same time Miss Milacek was sent there, and I was brought here from Geneva by a matron to testify in this case.

"I returned to Lynch, Nebraska, the second week

in September, 1944. *I met Miss Pinkerman at O'Neill, but I never stayed at her house, nor did Miss Milacek.*

"I did not suggest, nor did Miss Milacek suggest, walking across the State line. Mr. Mellor never said in my presence to Miss Milacek, nor to me, that he would not take us girls to Wyoming, but would leave us at Harrison, Nebraska, and neither Miss Milacek nor I said, 'Why, we will get out and walk across the State Line; that is the way to do it.'

"We did meet at Signal Mountain Lodge the two men whom we accompanied to Jackson, Wyoming, and they were with us in Jackson for a few days, but we did not start west from Jackson with these two men.

"After the evening we spent with 'Chuck' in his cabin, we went down to Cabin 15, but did not go to the dining room. 'Chuck' was the fry cook at the Lodge, and we had met him in Moran.

"When we left Cabin No. 15 for good, we did not take all of our clothing, but left it there. I left a play suit, a pair of sandals, and Miss Milacek left a dress."

### **PETITIONER'S EVIDENCE**

#### **Direct Examination of Paul Sieber (R. 134 to 137)**

"I live in Moran, Wyoming, in the summer time and Salt Lake City in the winter time. I am 49 years old. I am a chef by occupation and have followed that occupation for twenty years. In the month of August, 1944, I was chef at a vacationing place, Signal Mountain Lodge, two and a half miles south of Moran, Wyoming.

"I am acquainted with Ralph B. Mellor and Charles J. Ford, the men on trial here. I first became acquainted with them at Signal Mountain Lodge about August 11 to 13, 1944, the day after they checked in. They occupied Cabin No. 15, which is part of the buildings of Signal Mountain Lodge proper.

"I recall the occasion of meeting them. The second day after they arrived, Mr. Mellor came to the kitchen and asked if he could have breakfast with me, as it was past mealtime. That is the same man that is sitting over there, and he stated who he was, and I saw him in the kitchen practically every day after that and usually four or five times a day. I went to his cabin three or five times a week, or whenever I felt like it, some times in the afternoon, but usually after eight or nine o'clock at night.

"This cabin was a double cabin and can be rented for one party or two parties. There are two outside doors and a connecting door inside, and you can move from one room to the other without going outside. Every time I was in the cabin this door was open, and I was in both rooms of the cabin. I would stay a half to three-quarters of an hour or an hour on these social calls. I also saw Mr. Ford there, and he also came into the kitchen several times, and on the occasions I went to the cabin on these social calls I also saw Mr. Ford there, I believe on all occasions, and talked and visited with him.

"I never saw in or about the cabin or in the company of Mr. Mellor and Mr. Ford these two young ladies who were witnesses for the Government. Mr. Mellor first came to the kitchen the morning of the second day of his arrival at the lodge, and his visits to the kitchen were usually made between nine and ten o'clock in the morning. Besides visits with Mellor and Ford in the kitchen and in their cabin, I went with them in their car to Jackson and Moran several times, but these women never accompanied us.

"I only had a limited view of the grounds of the lodge, except to the rear of the kitchen, but when I was on the back step I had a view of the lodge grounds. The restaurant was on the ground floor of the one-story, log building, which had a lobby, and this building was located south of Cabin 15. There

were windows in the kitchen and a door which gave a view of Cabin 15, but from the back porch I could not see very far in that direction. I would say Cabin 15 was 100 yards from there. When I sat on the back step, I could look over towards Cabin 15, but I never saw any women around Cabin 15, nor did I ever see Mellor or Ford in company with any women.

"I was subpoenaed here as a witness, and I am not in any way related to the parties to this litigation. I worked at the lodge for the entire season of 1944."

**Cross-Examination—By Mr. Donato (R. 136-137)**

"I met Mr. Mellor on the second day of his arrival when he came to the kitchen for some coffee, but I do not recall that Ford came with him, and from the time I first met Mellor I began visiting at Cabin 15, and made probably twenty visits there from the time they arrived until they checked out. I think they arrived about the 12th but I could not say for sure, nor when they checked up, but I think they stayed two or three weeks. During the first week of their visit, I probably went to Cabin 15 five or six times. I was not overly friendly with them, but I drank liquor with them at their cabin. Our principal conversation was about firearms, Mr. Mellor having lots of fancy guns. The connecting door was always open when I was there, and the guns were in both rooms, and we would go back and forth and look at them. They were elk-hunting guns, large rifles. I furnished some of the liquor and Mr. Mellor furnished some; they did not furnish all of it. I probably purchased a pint of liquor every day, and when they did not have any liquor and wanted a drink, I gave it to them, but I never drank until evening.

"I also drank with them in the kitchen in the lodge.

"I never saw any girls in Cabin 15 when I visited there, but I do not know whether there were any

girls there at other times. I made one trip to Jackson with them that I can recall, and one trip to Moran, and these were just social trips. I did not drink with Mellor and Ford at Jackson, but at Moran I went with Mr. Ford alone, and I believe we had some beer. On the trip to Jackson I went early in the evening, but did not come back with them. I did not see Mr. Mellor and Mr. Ford do any gambling at Jackson. I could not see all of Cabin 15 from the back porch of the kitchen, and could not see who, if anyone, was in Cabin 15."

**Direct Examination of Robert Robards (R. 137 to 141)**

"I am 30 years old, married, and live at Jackson, Wyoming, this year. I was subpoenaed as a witness to come here. I am not related in any way to the parties connected with this litigation. I am a fishing guide by occupation, and during the month of August, 1944, I was employed at Signal Mountain Lodge, near Moran, Wyoming, which I think is a mile and a half south of Moran, towards Atkinson. The camp is approximately a quarter of a mile from one end of the camp to the other the long way, and probably 150 yards east and west. The central building is the office, lobby, dining room and kitchen, where they feed the guests that do not have kitchen facilities, and there are about fifty cabins or fifty units there. The main lodge is in the center of the camp, and a drive up to the front of the lodge, a drive to the north, or the right, for about 250 yards to the end of the camp; and on the west side of this road the cabins are numbered, commencing with No. 7 and then on up to the end of the road, which is about 250 yards. From west to east the cabins start at 7 and 8 and numbers on up on the left-hand side to 14, which is the last one on the left-hand side. There is only one Cabin 15, and that is north up this road about 200 yards. I do not think there is a view of each of these cabins from the central building, and hardly Cabin 15.



"I have been in Cabin 15 many times. As fishing guide I would be asked to drop over to the cabins and discuss the good fishing spots in the lake, what to use for bait, what depth to fish, and all, as it is quite a science in that part of the country, and those were part of my duties as head guide.

"My first employment there was in 1944, and I started there about the 7th of May, 1944, and worked there this year also. I am not related to Mr. Mellor or Mr. Ford or any of the parties to this lawsuit, and came here as a witness in response to a subpoena. I know both Mr. Mellor and Mr. Ford, but I had not met them prior to the time they came to the Lodge in 1944.

"I have a definite recollection of the time they first came there; it was late in the evening on the 12th of August to my recollection. I knew about their coming and I happened to be on the dock, when they came up and wanted to know where to put their boat in the lake. They brought their boat with them, but I never saw it launched, but I saw it at the dock a little later. What attracted my attention to it particularly, when I came in to the dock the next morning with the cabin cruiser, their boat was tied at the dock where I usually dock, and I could not get in until the boat was moved, but I did not know whom they were until the 13th of August, 1944, which was the day after they came up. Ford and Mellor were together, and I never saw any women with them, on that occasion. I was invited over to their cabin to discuss the fishing, and went over there that same night, the 13th, about nine o'clock in the evening.

"When I went to Cabin 15 on the night of the 13th Ford and Mellor were both there in the kitchen. I did not observe any women in the cabin. I do not know which side of the cabin I went in, but the door between the two rooms was not closed. I stayed there thirty to forty-five minutes probably, and during



that time I saw no women, and particularly not these two young women, nor did I see any women's clothing there. I went there the next night between nine-thirty and ten o'clock, and stayed possibly an hour. Mellor and Ford were both there, and the connecting door between the rooms was open, and we went back and forth between the two rooms.

"I saw one of the two girls here in the court room at Signal Mountain Lodge, being that one (indicating Miss Milacek). The first time I noticed her was on the dock, which is about 100 yards from the lodge, due west down over a little hill, and which would be more than a quarter of a mile from Cabin 15. That is the only time I remember of seeing her on the dock, and there were two young fellows with her. They were dressed partly in civilian clothes and partly in uniform, summer pants. I had not seen these young men before. I could not positively identify the other girl as having seen her.

"I saw Miss Milacek once or twice before that between the dock and the lodge, and there was some other woman with her, but I did not pay any attention. On a couple of occasions they were accompanied by two men, neither of whom was Ford or Mellor. I never saw Mellor or Ford with these two young women. I never saw them except on the occasions I have mentioned, and never saw them any other place than at the lodge grounds, and never talked with them.

"I never saw Mellor and Ford fishing on the lake, but I saw them in the boat making a trip, and I think on only one occasion, and I think that was the second day they were there."

#### **Cross-Examination (R. 140-141)**

"I did not see Mellor and Ford on the day they arrived at the lake, and the first time I saw them their boat was at the dock, and it was the day after their arrival. The only conversation I had with them

was at the dock when they inquired of me 'how's fishing?', until I went to their cabin on the 13th of August, 1944, and I did not see any women there, but they could have been in some other cabin. I was in Cabin 15, when Mellor and Ford were there, about three times, and it might have been two times, but I know I was there one night and then the next night. The first night I did not drink any liquor with them but we just talked about fishing, but the second night I did drink with them. The inside door on all of these visits was wide open. I never saw any women there, nor any women's clothing, but there could have been some women's clothing in the closets.

"I am sure that I saw the young lady with the red coat (indicating Miss Milacek) there at the lake, but I am not sure about the other one with the glasses on (indicating Miss Hasenpflug), but I did see another young lady with Miss Milacek, but she was not wearing glasses.

"Signal Mountain Lodge is in the State of Wyoming, and I saw two young fellows on the dock with Miss Milacek and another young lady. They could have been together, and as far as I could tell the other young woman might have been Miss Hasenpflug. I do not know who the two young fellows were, and I could not say whether they were in conversation with the girls or not.

"I never saw the girls with Mr. Mellor or Mr. Ford but I did not see them during every minute of the day or night, and they could have been with these young women."

**Direct Examination of Mrs. Nevada Evelyn Robards**  
(R. 141 to 151)

"I reside now in Nevada. I am the wife of Robert Robards, who was just on the stand, and a subpoena was served on me by the U. S. Marshal at Jack-

son, Wyoming, to appear here as a witness and I am not in any way related to anyone connected with this case.

"Commencing the 7th of May, 1944, I was employed at Signal Mountain Lodge. I took care of the office and registered the guests, took money from the dining room, took care of the books and the general office work. Part of my duties were to assist in the taking of the registrations, together with Clarence Harris, one of the owners, but I registered people most of the time.

"The first time I saw Mr. Mellor and Mr. Ford, I think, was the 13th of August, 1944, the day after they arrived. I saw them coming back and forth from the office outside. Exhibits '1' and '2' are our registration cards. None of my handwriting appears on those two exhibits. I recognize the handwriting there as that of Mr. Harris. I worked there from May 7, 1944, until the lodge closed, shortly after Labor Day in 1944, but did not work there this season of 1945. I have again examined the handwriting on Exhibits '1' and '2', and recognize the handwriting on there as that of Mr. Harris. To my knowledge Mr. Harris has not been subpoenaed here as a witness; I have not seen Mr. Harris here in the Court room nor has he been about, but I had a telephone conversation with him last evening and located him at Signal Mountain Lodge near Moran, Wyoming.

"Mr. O'Sullivan: We offer in evidence Exhibits '1' and '2'.

"Mr. Donato: No objection.

"The Court: The exhibits are received."

These exhibits are at pages 143 to 145 of the Record and show that Cabin 15 was taken in the name of "Mellor & Charlie Ford" and "Mellor & Ford" and R. B. Mellor, O'Neill, Nebr., and not as Ralph Mellor and wife and

Charles Ford and wife, as claimed by the two complaining witnesses; that the rate was the usual cabin rate of \$6.50 per day or \$39.00 per week, and that these parties occupied Cabin 15 for 16 days, beginning with August 12th, 1944, and ending on August 27th, 1944.

"The rental stated on the exhibits is the usual rental for that cabin. The price is the same regardless of how many occupy it. I am familiar with the practice carried on at this lodge about registrations. They usually give you an idea of how long they are going to stay when they come in, and you fix a card for them and put the price of the cabin on the card, and indicate on the card whether there was an advance payment. Card No. 1 indicates that there was an advance payment, because it gives a weekly price instead of daily. It also gives the daily rate, but the weekly figure is on here also. That is the way the card is set up when it is rented for a definite period of time. If the parties stay beyond the rental period of one week, they do not register. We just fix Card No. 2, because the first card will only take care of one week, and if they stay longer, we make Card No. 2, write their names ourselves on that card, and attach it to Card No. 1. That was the procedure when I was there.

"I was not on duty when Mr. Mellor and Mr. Ford registered, but they came into the office about the 13th of August. In order to get into the lobby or dining room or any part of the lodge building, you have to pass by the office, which is right by the door. I saw them come in but did not see anyone with them, nor did I see where they went. I never saw them on any other occasion, except when they would pass in and out in front of the office. I was never down to their cabin with my husband. I saw the young lady in the red coat at Signal Mountain Lodge. She stands out in my memory. But there were two of them together. One of the office windows looks down towards the

dock, and I saw them on the dock and on the front porch of the lodge building. There is a large front porch on the cabin the full length of the building, and a couple of times they sat on the front porch of the lodge, but I never saw them in company with Ford or Mellor. I did notice them on the front porch with a couple of young fellows, and one of the men had part of a uniform on. This was on the afternoon of the second day of their arrival. That is the only time I happened to notice them, and they stayed there possibly thirty minutes. Then, I think it was the same day, I saw them on the dock, probably on the 13th or 14th. I do not know with whom they were, for there were a lot of people on the dock at that time. The last time I saw them was the evening of that same day, when I saw them drive out with these two fellows who had been on the front porch with them. The men had a coupe, and it was about six or seven o'clock in the evening when they left. It was the evening of the second day after their arrival. The car left from the front porch of the lodge, and I never saw them after that, and I never saw that car again."

### **Cross-Examination**

"I first saw Mellor and Ford on the 13th of August, 1944, and at that time no one was with them, as far as I know. I saw them pass the office at that time, on the inside of the building. There are always a number of people passing in and out, but I did not notice anyone with Mr. Mellor and Mr. Ford, and there were no other people passing in at that time, just Mr. Mellor and Mr. Ford alone.

"I recall seeing Lois Milacek, the young lady dressed in the red coat, at Signal Mountain Lodge, in Wyoming, on the 13th and 14th of August, 1944, and there was another young lady with her, but to my knowledge she was not wearing glasses.

"I saw the two young ladies together, one of whom was Miss Milacek, sitting on the front porch of

the lodge, and I saw them on the dock while I was in the office, which is about 100 yards from the dock, and there were other people on the dock at that time, and I could not say definitely whether there was anyone with these young ladies or not.

"The two young men whom I saw on the porch with these young ladies were rather young and both blond. One was dressed partly in a uniform; that is, his trousers looked like they might have been a part of a uniform. They were of medium height, would weigh about 130 pounds or somewhere in there, and I would say they were about 5:8 or 5:9 feet tall. They were both about the same size. One had on just a shirt pants, and the other had on 'army colored pants' and no coat. I think the other man had on a pair of overalls.

"I was never in Cabin 15 during the week of August 12th. I do not know whether Lois Milacek or the other girl were ever in company with Mellor and Ford at the lodge, but I never saw them with these men, and I do not know whether these two girls stayed in Cabin 15 with Mellor and Ford."

**Direct Examination of Charles S. Horel (R. 151 to 153)**

"I live at Worland, Wyoming, but my summer residence is at Moran. I am 64 years old, married, and a Doctor of Dental Surgery, but have been retired since 1915. I went to Signal Mountain Lodge on the 11th day of July, 1944, and resided on the grounds of the lodge, in a trailer of my own, and remained there continuously until October 16, 1944, with the exception of one week the latter part of August.

"My trailer was parked across the driveway and approximately 100 feet south of Cabin 15. I am familiar with the location of Cabin 15, having visited that camp for approximately twenty years. I surveyed the camp site originally, and am familiar with the location of the buildings.

"On August 14, 1944, I met Ralph Mellor and Charles Ford. August 12th was my birthday and I was taken quite ill, and did not go out on the lake on August 12th or 13th. I remained in the trailer or about the grounds during that time. I had known and met Messrs. Mellor and Ford several years before at the camp, and the night before August 14th we had a storm at the camp, and I went down to the dock to see how the boats were doing. I noticed a boat bottom side up in the bottom of the lake, tied to the dock. I inquired whose boat it was, and was told that it belonged to someone who had come in the night before and tied it up. I then pulled the boat out as far as I could and tied it up. Afterwards, late that afternoon, I met Mellor and Ford on the dock. There were no women with them at that time.

"I have seen these two young ladies who testified in this case, and who have been sitting in the court room. I think it was on August 15th that Mr. Mellor came to my trailer, but I never went over to the cabin where he was staying, but from my trailer I had a view of the cabin where he was staying. Cabin 15 faces west; I was south and east. I had a view to the south end and the rear of their cabin. I saw Mellor approximately eight times during the period of ten days after August 14th, and I saw Mr. Ford during that time about six times, but on these occasions I never saw the young women with them.

"The first time I saw these young women on the grounds of the Signal Lodge was in the forenoon of August 15th, out in the driveway behind Cabin 15. One was sitting on the railing and the other one was standing. I observed them there for about thirty minutes, and then they went down the driveway towards the office or dock. They came from behind Cabin 15. The next time I saw them was the next day along towards evening. They were going past this trailer down the driveway towards the office or dock, and there were two men with them, but not



Mellor or Ford. I paid no particular attention to them, but one as wearing khaki trousers and a shirt and no coat, and the other wore dark-colored trousers and, I believe, a coat. They were of medium height. I watched them going down the driveway for about 100 feet, and I never saw the two girls after that, nor did I ever see the men they were with after that, and I do not know their names.

"During the period of time that I observed the girls on the lodge property, I saw Mellor and Ford drive past my trailer several times. That was both before and after I saw the girls there. I stayed close to my trailer for about twelve days after August 12th when I became ill, but I was around the grounds each day. I went to town on the 18th to see a doctor, but that was the only time I absented myself from the lodge property."

**Cross-Examination (R. 153)**

"I could not see the front of Cabin 15 from my trailer. I saw Mr. Mellor approximately eight times during the ten days, beginning with the 12th of August. I saw the two girls near Cabin 15 on August 15th in the forenoon. They came alone from behind Cabin 15, and two days later I saw them near Cabin 15."

**Redirect Examination (R. 153)**

"I came here in response to a subpoena, and am not related in any way to any of the parties connected with this case."

**Direct Examination of H. J. Templeton (R. 153-156)**

"I live at Lusk, Wyoming, and have lived there twenty-five years. I am 52 years old, married and have a family. My wife and I were subpoenaed here as witnesses in this case, and we are here pursuant to that subpoena to testify in this case. I am not related in any way to any of the parties in this case.



"During the month of August, 1944, my wife and I were guests at Signal Mountain Lodge, and occupied a cabin there, Number 14, which was about forty feet east of Cabin 15. I am a retired merchant, having been in the general merchandise and grocery line at Lusk, Crawford and Lance Creek, Wyoming. I have not been able to definitely fix the time we went to Signal Mountain Lodge, but it was the third week in August. I have endeavored to make a check.

"Q. Well, can you with any degree of accuracy fix the date that you came to Signal Mountain Lodge?

"A. I would say the 18th.

"We moved in Cabin 14 immediately and continued to reside at that cabin until the 10th or 12th of September. During this time we became acquainted with Mr. Mellor and Mr. Ford, the occupants of Cabin 15. I wanted to see a home-made ice box they had, and it was on the porch of their cabin. I was in their cabin once, and stayed there about ten minutes. I was entirely through the cabin, and at that time there were no women in the cabin. I never observed or heard any talk or noises in Cabin 15. I never saw Mellor and Ford with any women while they were there. I saw them go and come in their car, but did not see them go fishing. I saw them daily, and usually several times during the day going or coming, all the time they were there. I never saw these two young women who were on the witness stand, nor did I see them with Mellor or Ford. During the time I was there, I was all over the grounds of the lodge.

"I saw Mellor and Ford at Jackson, Wyoming, but the only thing I ever observed them doing around the cabin was playing a music box out on the porch. I could see the front of the cabin, No. 15, from our cabin. The first ten days we were there, we were in our cabin practically all of the time or around there. I did not even go to the dock the first ten days."

**Cross-Examination (R. 155)**

"Just prior to going to Signal Mountain Lodge, Mrs. Templeton had been visiting east of Chicago, but I was not with her, and on her return from her eastern visit she went to Lusk, Wyoming, our home. And the next morning after she came home, we went to Signal Mountain Lodge, to the best of my recollection on August 18, 1944."

**Direct Examination of Mrs. H. J. Templeton**

(R. 156-157)

"I am the wife of H. J. Templeton, who just left the stand. I was at Signal Mountain Lodge in August, 1944, arriving there about the 18th of August. We occupied Cabin No. 14. Cabin No. 15 was to our right and back; it sets back about forty feet. My husband and I remained there until after the hunting season, around the tenth of September, and were there continuously from the time we first arrived. There was no one else in Cabin 14 with us. The first day we were there we became acquainted with the occupants of Cabin 15, Mr. Mellor and Mr. Ford. It was some time in the afternoon. I went to their cabin with my husband, and we remained there not over ten or fifteen minutes. After that we saw Mr. Mellor and Mr. Ford several times each day; we parked our cars in the same driveway, and we were out there quite a lot and talked with them, and they ran errands for me. My husband was quite ill for the first ten days we were there, and we saw these men frequently. I never saw them with any women, and I never heard the voices of any women in their cabin, and never saw any woman go in there. I never saw these girls who testified in this case around the lodge grounds or around Cabin 15.

"I had occasion to go to the main lodge dining room and to walk around the lodge grounds, but never

saw these girls around there at all, and never saw Mellor and Ford with any women.

"I came here in response to a subpoena served on me at Lusk, Wyoming, by a U. S. Deputy Marshal, and I am not in any way related to anyone connected with this case."

**Cross-Examination (R. 157)**

"To the best of my recollection we arrived at Signal Mountain Lodge on August 18, 1944, about the middle of the afternoon, and we were not at Signal Mountain Lodge at any time between August 12th and August 18th, 1944."

**Redirect Examination (R. 157)**

"In going from Cabin 15 to the main building, or out to the highway leading away from Signal Mountain Lodge, persons or cars would have to pass Cabin 14. In order to get to Cabin 15 you would have to pass Cabin 14. The road was directly behind the cabins."

**Testimony of Defendant Charles J. Ford**

The defendant, Charles J. Ford, took the witness stand in his own defense (T. of R. 157 to 188) and testified that he worked as a ranch hand for the defendant, Ralph Mellor, from July 12th, 1944, to August 11th, 1944, when they started for Signal Mountain Lodge near Moran, Wyoming; that they had made plans to go on this vacation trip about three weeks previous to August 8th, 1944, when they saw these two young women on the road north of O'Neill, Nebraska, and gave them a ride; that after the car turned west at the fork of the road Miss Hasenpflug said that they wanted to go to Lynch, Nebraska; that the two young women, however, went to Atkinson,

Nebraska, and then to the ranch-house of Mellor's, and then to Lynch, Nebraska; that later that night one of the young women came back to the ranch-house with them, and the other was brought back by Mellor the next day; that they did not drink with these two women or have or attempt to have any illicit relations with them at the ranch-house or anywhere else, either on the road or at Signal Mountain Lodge; that the young women found out from their conversation with them that they were going to Wyoming and wanted to go along as they said they were going to California to visit Miss Hasenpflug's sister; that Mellor said that Ford and himself were planning a trip to Jackson, Wyoming, and the young women stated that they would like to ride that far with them, and Mellor said that they could; that Mellor said that they could not take them across the State Line, but they could go as far as Harrison, Nebraska, whereupon both Miss Hasenpflug and Miss Milacek said that they would walk across the State Line, and Mellor said that was all right; that the four parties went by automobile westward on the evening of August 11th, 1944, starting from the ranch-house, and when the car was west of Harrison, Nebraska, at the State Line, it was stopped before they had reached the State Line, and Mellor said to the young woman, "We are at the State Line," and they immediately got out of the car and walked across the State Line for about a distance of 50 feet, and then they got back in the car; that when they arrived at Signal Mountain Lodge, Mellor registered himself and Ford in Cabin 15; that neither Mellor nor himself ever stated to these two young women that they were registered in Cabin 15 as husbands and wives; that the two young women, as far as Mellor and Ford knew, stayed in one side of this double cabin with the center door locked that first night, and at breakfast time the next

morning they were outside and Mellor asked them to have breakfast; that in the dining room they acted silly and laughed and carried on, and Mellor and himself walked out before finishing breakfast and later Mellor admonished these two young women for their conduct and that was the last Ford or Mellor ever saw of them at the camp, but that they saw these two young women later at Jackson, Wyoming, and he, Ford, loaned them \$5.00; that these young women had also received some small sums of money from Mellor and himself at O'Neill, Nebraska, and en-route.

#### **Testimony of Defendant Ralph B. Mellor**

The other defendant, Ralph B. Mellor, also testified in his own behalf and his evidence was similar to that of the defendant, Ford (T. of R. 188 to 214). He, Mellor, stated that he told these two young women that he and Ford were going to Wyoming, after they had stated that they were going to California (T. of R. 190 and 194); that these two young women suggested that they would walk across the State Line between Nebraska and Wyoming (T. of R. 194); that they did walk across the State Line (T. of R. 197-198); that the trip to Signal Mountain Lodge had been planned since the previous July 15th, and had been an annual trip of his since the year 1929; that he had previously stayed at a number of lodges near Moran, Wyoming, which he named; that the arrangements for this trip had been practically completed and he would have gone with Ford on the trip whether he met these young women or not (T. of R. 197).

At the conclusion of the Government's case in chief, and also at the conclusion of all of the evidence in the case and after both sides had rested their respective cases, the defendant made a Motion for Directed Verdict of

Acquittal, and same was overruled by the Court (T. of R. 131 to 134 and T. of R. 214 to 216).

This Motion followed the pattern of the Motion to Quash and the Special Demurrer and urged the additional grounds that the changing of the disjunctive "or" in the law to the conjunctive "and" in the Indictment was contrary to the laws and Constitution of the United States, both of which contemplated the statutory Congressional enactments of criminal laws and not legislation by the District Attorney or the Courts; that the evidence produced did not amount to proof of the guilt of the defendant beyond a reasonable doubt; that there was a fatal variance between the Government's pleading and proof in that the women in question were not transported from Nebraska to Wyoming, but at their own suggestion or that of the defendant, they voluntarily walked across the State Line from Nebraska to Wyoming, thus causing a break or hiatus in the alleged transportation, because the Indictment having fixed the starting place to have been Holt County, Nebraska, and the terminus of the journey to have been Moran, Wyoming, whereas the undisputed proof showed that the actual terminus was Signal Mountain Lodge, some miles beyond Moran, Wyoming; and that the Government's evidence was not of such probative force as would amount to proof of defendant's guilt by evidence beyond a reasonable doubt, as required by law.

At the conclusion of all of the evidence the case was argued to the jury by respective counsel and certain objections and exceptions were taken by defendant's counsel to portions of the argument of Assistant United States Attorney A. Z. Donato, which were not correctly ruled upon by the Court. Defendant's counsel contended that this argument of Mr. Donato, which he charged was

improper, amounted to such misconduct of counsel as should have warranted the Court in entering an order sustaining defendant's Motion for a Mistrial (T. of R. 217 to 220).

Eight instructions were requested by the defendant and were tendered to the Court in writing prior to the time the case was argued, and the Court having refused to give any of same, exceptions to such refusals were taken by counsel for the defendant, and were allowed by the Court (T. of R. 38 to 42 and 237).

We contend that all of these instructions were proper and should have been given by the Court, as they not only presented the defendant's theory of the case but also correctly advised the jury as to certain phases of the law of the case.

The instructions given by the Court are to be found in the printed Transcript of the Record (T. of R. 221 to 236).

Counsel for the defendant took certain exceptions to portions of the Court's instructions, which the Court overruled and allowed the defendant his exceptions. It is our contention that these exceptions were meritorious and we believe that the Court's findings in reference to same were erroneous (T. of R. 237 to 239).

The case was submitted to the jury and they returned a verdict of guilty (T. of R. 42 to 43).

Thereafter the defendant, within the time provided for by law, filed a Motion for a New Trial (T. of R. 43 to 53).

The Motion for a New Trial was argued orally and submitted on written briefs and was overruled by the Trial Court, and a written opinion was filed in the case (T. of R. 70 to 86).

Thereafter the defendant was sentenced to imprisonment for a period of three years (T. of R. 92 to 94) and this appeal was perfected to this Court.

### **BASIS OF JURISDICTION**

The jurisdiction of this Court is invoked under Section 240a of the Judicial Code, as amended by the Act of February 13th, 1925 (U. S. C. A., Title 28, Section 347).

### **QUESTIONS PRESENTED**

1. Did the Court err in overruling the defendant's respective Motion for Bill of Particulars, Motion to Quash, Special Demurrer and Motion for Directed Verdicts of Acquittal, and each of them?

2. Is the Indictment as drawn so vague, indefinite and uncertain as to be violative of the defendant's rights under the 5th Amendment to the United States Constitution, guaranteeing to him due process of law, and the 6th Amendment to the United States Constitution, establishing his right to be informed of the "Nature and cause of the accusation made against him, and also by the changing of the word "or" to the word "and" did the District Attorney usurp the exclusive power of Congress to legislate, as provided for in Section 1, of Article 1, of the United States Constitution?

3. Is the Indictment duplicitous and does it contain a number of offenses in one count, in that it charges the



transportation of two women by two men in interstate commerce in violation of the Anti-White Slave Act, and also combines separate and distinct offenses in one count?

4. Where the errors claimed by the defendant, and duly excepted to, which errors were in the giving of portions of the final instructions to the Jury by the Court on its own motion meritorious?

5. Was the action of the trial Court, in the final instructions to the Jury, in deleting certain portions of the Indictment as surplusage tantamount to an amendment thereof and erroneous?

6. Was it error on the part of the trial Court to refuse to give Instructions 1, 2, 3, 4, 5, 6, 7 and 8, and each of them, requested by the defendant?

7. Was the evidence insufficient to warrant the submission of the case to the Jury-

8. Was there proper or sufficient proof offered by the Government in support of the allegation that the intent and purpose of the alleged interstate transportation was for the purpose of prostitution, debauchery, or other immoral purposes, etc.?

9. Was there an utter failure of proof to show that the dominant and "efficient purpose prompting and impelling the defendant" to make the alleged trip by automobile, with the two women in question, from Mellor's Holt County ranch to Signal Mountain Lodge, near Moran, Wyoming, for any of the unlawful purposes and intents alleged in the Indictment, or on the contrary did the evidence show conclusively that if there was any such illegal purposes, intents and acts as was alleged in the

Indictment, assuming that the transportation was completed from one State to another as charged in the Indictment, that such purposes, intent and acts were mere incidents of defendant's vacation trip, and not the dominant, "efficient purpose prompting and impelling the defendant" to transport the said two women in interstate commerce.

10. Was the Assistant United States Attorney guilty of misconduct and did the Court err in refusing to grant defendant a mistrial by reason of said claimed misconduct?

11. Was there a fatal variance between the pleading and the proof, in that it is alleged in the Indictment that the transportation from the Mellor ranch in Holt

County, Nebraska, to Moran, Wyoming, was made by the defendant, when the evidence conclusively proves that there was a break, or hiatus, in said transportation in that the two women named were not transported across any State Line by the defendant, but said women by their efforts in walking, completed their own transportation from one State to another, and the only evidence of any transportation was from the ranch house in Holt County, Nebraska, to the Nebraska State Line adjoining Wyoming, and from a point inside the State of Wyoming to Signal Mountain Lodge, beyond and near Moran, Wyoming?

12. When the Indictment set forth a definite starting point, and a specific terminus, to-wit, Moran, Wyoming, did the Government's case fail when there was an utter failure to prove the unlawful intent and purpose alleged in the Indictment by any direct circumstantial evidence prior to the alleged terminus, even though there was evi-

dence on the part of the women whom it is claimed were transported, that immoral acts occurred at Signal Mountain Lodge, about 2½ miles beyond Moran, Wyoming?

WHEREFORE, your petitioner prays that Writ of Certiorari issue under the seal of this Court, directed to the Circuit Court of Appeals for the Eighth Circuit, commanding said Court to certify, and send to this Court, a full and complete Transcript of the Record and of the proceedings of the said Circuit Court had in the case numbered and entitled on its Docket No. 13349, Criminal, *Ralph B. Mellor vs. United States of America*, to the end that this cause may be reviewed and determined by this Court, as provided for by the Statutes of the United States, and that the Judgment herein of said Circuit Court may be stayed and petitioner released on bail during the pendency of this appeal, and that the Judgment herein may be reversed by this Court, and for such other and further relief as to this Court may seem proper.

EUGENE D. O'SULLIVAN and  
HUGH J. BOYLE,  
*Attorneys for Petitioner.*



### STATEMENT RELATIVE TO SUPPORTING BRIEF

In view of the fact that separate Judgments were entered in the Trial Court in the companion cases of Charles J. Ford and Ralph B. Mellor we filed, in this Court, separate Petitions for Certiorari in each of these cases. We felt that one brief would suffice, since they were tried jointly, and but one Record was made up for both cases, and the same legal questions arose in each of these cases. We therefore incorporate by reference, as fully and com-

pletely as if herein set forth at length, the brief which we attached to the Petition for Certiorari in the case of *Ralph B. Mellor vs. The United States*, which case has been docketed also in this Court.

Respectfully,

EUGENE D. O'SULLIVAN and  
HUGH J. BOYLE.

## I N D E X

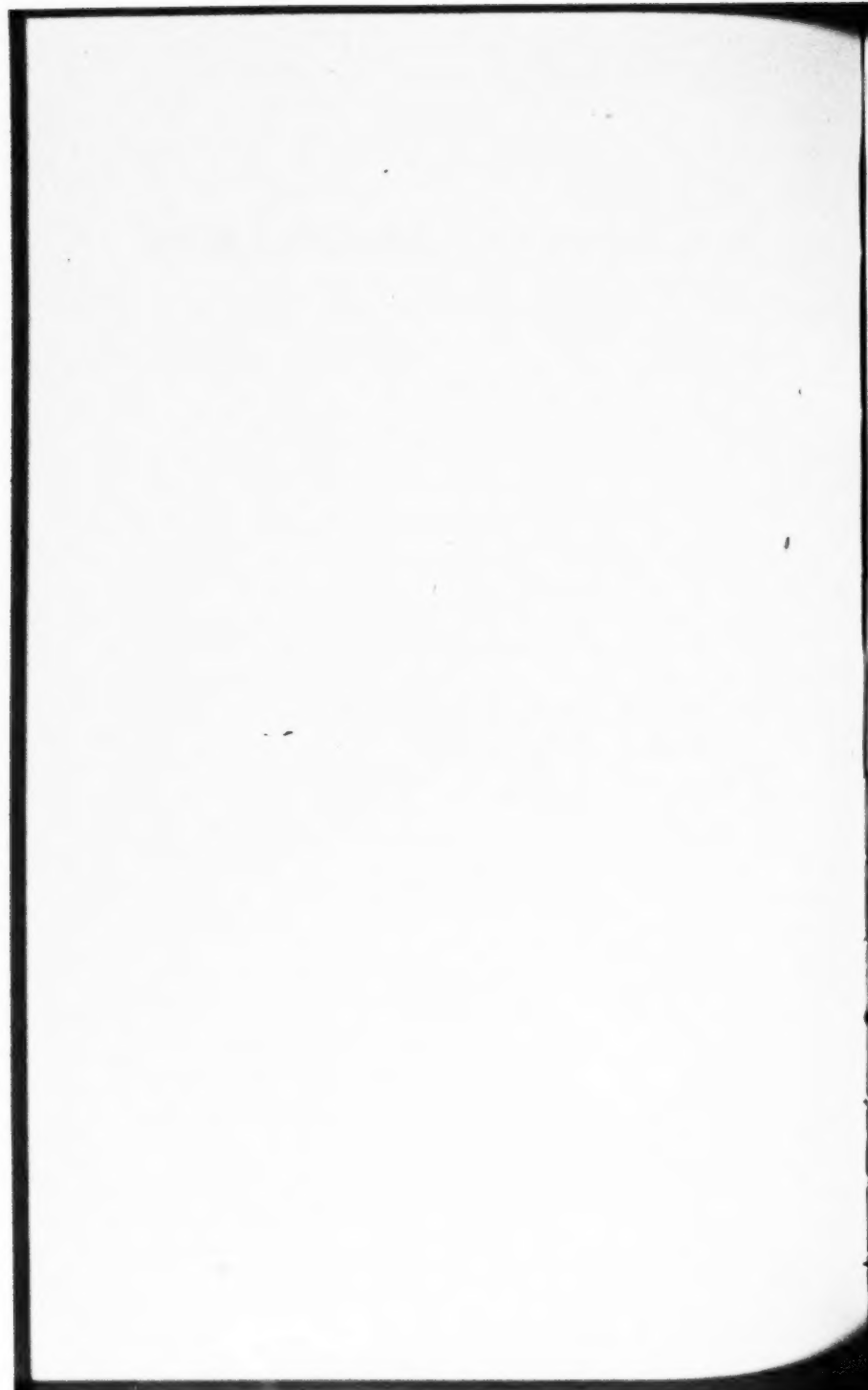
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Statute:

Page No.

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(1)



# In the Supreme Court of the United States

OCTOBER TERM, 1946

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No. 1361

RALPH B. MELLOR, PETITIONER

v.

UNITED STATES OF AMERICA

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No. 1362

CHARLES J. FORD, PETITIONER

v.

UNITED STATES OF AMERICA

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*ON PETITIONS FOR WRITS OF CERTIORARI TO THE  
UNITED STATES CIRCUIT COURT OF APPEALS FOR THE  
EIGHTH CIRCUIT*

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## MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

On March 21, 1945, petitioners were jointly indicted (R. 3-4) in the United States District Court for the District of Nebraska in one count charging a violation of Section 2 of the Mann Act, 18 U. S. C. 398.<sup>1</sup> The indictment alleged

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<sup>1</sup> This provision reads as follows:

"Any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce, or in

that on or about August 10, 1944, petitioners wilfully transported two girls from petitioner Mellor's ranch home in Nebraska to Moran, Wyoming, for the purpose of prostitution and debauchery and for other immoral purposes, and with intent to compel the girls to give themselves up to debauchery and to engage in other immoral practices. After various pre-trial motions were disposed of, the case went to trial, the jury returned a verdict of guilty (R. 67-68), and each petitioner was sentenced to imprisonment for a term of three years (R. 92-94). Their motions for a new trial were denied (R. 70-86), and they

any Territory or in the District of Columbia, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice; or who shall knowingly procure or obtain, or cause to be procured or obtained, or aid or assist in procuring or obtaining, any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in any Territory or the District of Columbia, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent or purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby any such woman or girl shall be transported in interstate or foreign commerce, or in any Territory or the District of Columbia, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding \$5,000, or by imprisonment of not more than five years, or by both such fine and imprisonment, in the discretion of the court."



appealed to the Circuit Court of Appeals for the Eighth Circuit. In an exhaustive opinion (R. 242-256), that court affirmed the judgments of the district courts.

The evidence in support of the verdict of the jury may be briefly summarized as follows:

Petitioner Mellor operates a ranch in Nebraska (see R. 157); he is 42 years old (R. 205). Petitioner Ford worked for Mellor on the ranch (R. 157), and is 38 years old (R. 170). The girls involved—Lois Jean Milacek and Doreen Hasenpflug—were 14 and 16 years old, respectively, at the time of the events in question (R. 106, 120). On August 8, 1944, the girls were walking along the highway en route to a nearby town in Nebraska when petitioners drove up and invited them into their automobile (R. 106-107, 120). Petitioners stopped at a nearby town and bought the girls whiskey and then took them to the Mellor ranch (R. 107, 121). Later in the evening, petitioners drove the girls to a nearby dance hall, and then picked up Lois when the dance was over (R. 107, 122).<sup>2</sup> They returned to the ranch, where Lois slept that night. The next morning, petitioner Mellor and Lois drove in Mellor's automobile to Lynch, Nebraska, and picked up Doreen, and later petitioner Ford joined them. Mellor gave Doreen money, and the girls bought clothes. (R. 107, 122.)

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<sup>2</sup> Doreen apparently returned to her home after the dance (R. 107, 122).

Petitioners had told the girls that they were going on a fishing vacation in Wyoming and that if the girls would accompany them "we could have anything we wanted or do anything we wanted after we got there" (R. 107, 121-122). The girls agreed to accompany petitioners, and on the third day after the meeting on the highway the party left the ranch for the vacation in Wyoming. En route, the girls fell asleep in the car, but when petitioners reached the boundary line between Nebraska and Wyoming, they awakened the girls and instructed them to walk across the state line because it was illegal to transport them over the line. The girls walked the few feet necessary to cross the boundary, and then returned to the car. (R. 108, 123.) In the course of the trip, petitioners gave the girls money (R. 108, 123). Petitioners rented a cabin at the Signal Mountain Lodge in Wyoming, and they told the girls that they had registered them as their wives (R. 108-109, 124). The cabin had two bedrooms, and each couple occupied a room (R. 109, 124). Lois testified that petitioner Ford "forced me to have intercourse with him" (R. 110). Doreen testified that petitioner Mellor had sexual intercourse with her at the cabin (R. 124). The girls left petitioners after ten days of this and asked them to furnish them with money to return to their homes, as they had promised, but petitioners refused (R. 110, 124). Both girls eventually returned home after first going to

nia, where one of them had a sister (C, 124).

Theory of the defense was that petitioners were going on a fishing trip to Wyoming, and the women wanted to go to California, so petitioners gave them a ride as far as Wyoming. The girls stayed at the cabin one night, both sleeping together in one bedroom, and on the following day the men sent them on their way. Petitioners refused that they did not at any time do anything other than furnish the girls an unexciting automobile ride from Nebraska to Wyoming. (See R-166, 188-194, 196-202.)

Petitioners' 91 pages of petition and supporting brief and 12 specifications of error present some contentions which they unsuccessfully urged in the district court on motion for a new trial and on the appeal to the circuit court of appeals. Judge Delehant, in the district court, issued a lengthy opinion (R. 70-86) in which he refuted each of petitioners' contentions *seriatim* and demonstrated why they are without merit. On the appeal, Judge Woodrough, speaking for the court, wrote an equally exhaustive opinion (R. 22-256), again discussing and rejecting petitioners' numerous arguments. Since both courts have carefully demonstrated in considered opinions the lack of merit in petitioners' contentions and since the opinions reflect the Government's answers to those contentions, we believe there is little to be gained in reiterating here

what both courts already have convincingly stated. Accordingly, we respectfully submit, on the basis of the opinions below, that petitioners' contentions are without merit and that their petitions should accordingly be denied.

GEORGE T. WASHINGTON,  
*Acting Solicitor General.*

THERON L. CAUDLE,  
*Assistant Attorney General.*

ROBERT S. ERDAHL,  
IRVING S. SHAPIRO,  
*Attorneys.*

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